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(Original Signature of Member)

116TH CONGRESS  
1ST SESSION

**H. R.** \_\_\_\_\_

To amend title 18, United States Code, to prohibit voter caging and other  
questionable challenges.

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**IN THE HOUSE OF REPRESENTATIVES**

Ms. MUCARSEL-POWELL introduced the following bill; which was referred to  
the Committee on \_\_\_\_\_

\_\_\_\_\_  
**A BILL**

To amend title 18, United States Code, to prohibit voter  
caging and other questionable challenges.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. VOTER CAGING AND OTHER QUESTIONABLE**  
4       **CHALLENGES PROHIBITED.**

5       (a) IN GENERAL.—Chapter 29 of title 18, United  
6       States Code, is amended by adding at the end the fol-  
7       lowing:

1 **“§ 612. Voter caging and other questionable chal-**  
2 **lenges**

3 “(a) DEFINITIONS.—In this section—

4 “(1) the term ‘voter caging document’ means—

5 “(A) a nonforwardable document that is  
6 returned to the sender or a third party as unde-  
7 livered or undeliverable despite an attempt to  
8 deliver such document to the address of a reg-  
9 istered voter or applicant; or

10 “(B) any document with instructions to an  
11 addressee that the document be returned to the  
12 sender or a third party but is not so returned,  
13 despite an attempt to deliver such document to  
14 the address of a registered voter or applicant,  
15 unless at least two Federal election cycles have  
16 passed since the date of the attempted delivery;

17 “(2) the term ‘voter caging list’ means a list of  
18 individuals compiled from voter caging documents;  
19 and

20 “(3) the term ‘unverified match list’ means a  
21 list produced by matching the information of reg-  
22 istered voters or applicants for voter registration to  
23 a list of individuals who are ineligible to vote in the  
24 registrar’s jurisdiction, by virtue of death, convic-  
25 tion, change of address, or otherwise; unless one of  
26 the pieces of information matched includes a signa-

1       ture, photograph, or unique identifying number en-  
2       suring that the information from each source refers  
3       to the same individual.

4       “(b) PROHIBITION AGAINST VOTER CAGING.—No  
5       State or local election official shall prevent an individual  
6       from registering or voting in any election for Federal of-  
7       fice, or permit in connection with any election for Federal  
8       office a formal challenge under State law to an individual’s  
9       registration status or eligibility to vote, if the basis for  
10      such decision is evidence consisting of—

11           “(1) a voter caging document or voter caging  
12      list;

13           “(2) an unverified match list;

14           “(3) an error or omission on any record or  
15      paper relating to any application, registration, or  
16      other act requisite to voting, if such error or omis-  
17      sion is not material to an individual’s eligibility to  
18      vote under section 2004 of the Revised Statutes, as  
19      amended (52 U.S.C. 10101(a)(2)(B)); or

20           “(4) any other evidence so designated for pur-  
21      poses of this section by the Election Assistance Com-  
22      mission,

23      except that the election official may use such evidence if  
24      it is corroborated by independent evidence of the individ-  
25      ual’s ineligibility to register or vote.

1       “(c) REQUIREMENTS FOR CHALLENGES BY PERSONS  
2 OTHER THAN ELECTION OFFICIALS.—

3           “(1) REQUIREMENTS FOR CHALLENGES.—No  
4 person, other than a State or local election official,  
5 shall submit a formal challenge to an individual’s eli-  
6 gibility to register to vote in an election for Federal  
7 office or to vote in an election for Federal office un-  
8 less that challenge is supported by personal knowl-  
9 edge regarding the grounds for ineligibility which  
10 is—

11           “(A) documented in writing; and

12           “(B) subject to an oath or attestation  
13 under penalty of perjury that the challenger has  
14 a good faith factual basis to believe that the in-  
15 dividual who is the subject of the challenge is  
16 ineligible to register to vote or vote in that elec-  
17 tion, except a challenge which is based on the  
18 race, ethnicity, or national origin of the indi-  
19 vidual who is the subject of the challenge may  
20 not be considered to have a good faith factual  
21 basis for purposes of this paragraph.

22           “(2) PROHIBITION ON CHALLENGES ON OR  
23 NEAR DATE OF ELECTION.—No person, other than  
24 a State or local election official, shall be permitted—

1           “(A) to challenge an individual’s eligibility  
2           to vote in an election for Federal office on Elec-  
3           tion Day, or

4           “(B) to challenge an individual’s eligibility  
5           to register to vote in an election for Federal of-  
6           fice or to vote in an election for Federal office  
7           less than 10 days before the election unless the  
8           individual registered to vote less than 20 days  
9           before the election.

10       “(d) PENALTIES FOR KNOWING MISCONDUCT.—  
11       Whoever knowingly challenges the eligibility of one or  
12       more individuals to register or vote or knowingly causes  
13       the eligibility of such individuals to be challenged in viola-  
14       tion of this section with the intent that one or more eligi-  
15       ble voters be disqualified, shall be fined under this title  
16       or imprisoned not more than 1 year, or both, for each such  
17       violation. Each violation shall be a separate offense.

18       “(e) NO EFFECT ON RELATED LAWS.—Nothing in  
19       this section is intended to override the protections of the  
20       National Voter Registration Act of 1993 (52 U.S.C.  
21       20501 et seq.) or to affect the Voting Rights Act of 1965  
22       (52 U.S.C. 10301 et seq.).”.

23       (b) CLERICAL AMENDMENT.—The table of sections  
24       for chapter 29 of title 18, United States Code, is amended  
25       by adding at the end the following:

“612. Voter caging and other questionable challenges.”.

1   **SEC. 2. DEVELOPMENT AND ADOPTION OF BEST PRAC-**  
2                   **TICES FOR PREVENTING VOTER CAGING.**

3           (a) BEST PRACTICES.—Not later than 180 days after  
4 the date of the enactment of this Act, the Election Assist-  
5 ance Commission shall develop and publish for the use of  
6 States recommendations for best practices to deter and  
7 prevent violations of section 612 of title 18, United States  
8 Code, as added by section 1(a), including practices to pro-  
9 vide for the posting of relevant information at polling  
10 places and voter registration agencies, the training of poll  
11 workers and election officials, and relevant educational  
12 measures. For purposes of this subsection, the term  
13 “State” includes the District of Columbia, the Common-  
14 wealth of Puerto Rico, Guam, American Samoa, the  
15 United States Virgin Islands, and the Commonwealth of  
16 the Northern Mariana Islands.

17           (b) INCLUSION IN VOTING INFORMATION REQUIRE-  
18 MENTS.—Section 302(b)(2) of the Help America Vote Act  
19 of 2002 (52 U.S.C. 21082(b)(2)) is amended—

20                   (1) by striking “and” at the end of subpara-  
21 graph (E);

22                   (2) by striking the period at the end of sub-  
23 paragraph (F) and inserting “; and”; and

24                   (3) by adding at the end the following new sub-  
25 paragraph:

1                   “(G) information relating to the prohibi-  
2                   tion against voter caging and other questionable  
3                   challenges (as set forth in section 612 of title  
4                   18, United States Code), including information  
5                   on how individuals may report allegations of  
6                   violations of such prohibition.”.